

Remarks

Applicants respectfully request careful consideration of the remarks presented herein. Reconsideration of the application and allowance of all pending claims are respectfully requested. Claims 1-11, 16-26, 31, 33-43 and 48-51 remain pending.

In the Final Office Action, dated March 10, 2006, claims 1-11, 16-26, 31, 33-43 and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thro et al. (U.S. Patent No. 6,147,977) in view of Somashekar et al. (U.S. Publication No. 2002/0116477). Applicants respectfully, but most strenuously, traverse this rejection for the reasons herein.

In one aspect, applicants' invention is directed to instant messaging, and in particular, to providing a messaging environment in which configurable, pluggable delivery managers are used to route instant messages to intended recipients. A pluggable delivery manager defines at runtime a delivery policy to be used to route an instant message.

As one particular example, applicants claim a method of routing instant messages (e.g., independent claim 1). The method includes, for instance, defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message, wherein the delivery policy is based upon a configuration of the pluggable delivery manager, a user configuration of the intended recipient, and one or more available delivery mechanisms; and routing the instant message to the intended recipient using the delivery policy. Thus, in this aspect of applicants' claimed invention, a pluggable delivery manager is configured and used to define, at runtime, a delivery policy used to route an instant message. This is very different from the teachings of Thro or Somashekar, either alone or in combination.

While Thro describes message processing, Thro does not describe, teach or suggest a pluggable delivery manager or using a pluggable delivery manager in routing instant messages, as claimed by applicants. This is explicitly admitted on page 3 of the Final Office Action. Thus, Somashekar is relied upon. However, applicants respectfully submit that Somashekar does not overcome the deficiencies of Thro. Thus, the combination of Thro and Somashekar also fails to teach or suggest one or more aspects of applicants' claimed invention.

For example, applicants claim defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message. This claimed feature is not described, taught or suggested by either Thro, Somashekar or any combination thereof.

As described above, Thro does not describe, teach or suggest a pluggable delivery manager, and therefore, also fails to describe, teach or suggest applicants' claimed element of defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message.

Further, although Somashekar describes pluggable components, there is no description, teaching or suggestion in Somashekar of applicants' claimed element of defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message. While Somashekar describes a technique for configuring pluggable components, Somashekar does not describe, teach or suggest using pluggable components in the delivery of instant messages. The teaching of pluggable components is not a teaching of using pluggable components to route instant messages, as claimed by applicants. Since Thro and Somashekar both fail to describe, teach or suggest at least this claimed element of defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message, applicants respectfully submit that the combination of Thro and Somashekar also fails to describe, teach or suggest this claimed element.

Additionally, applicants respectfully submit that Somashekar is concerned with tasks that occur prior to runtime, in contrast to applicants' claimed invention. In Somashekar, network deliverable components are configured for deployment in embedded servers (see, e.g., col. 2, paragraph 15). Somashekar is concerned with events that take place prior to deployment, not at runtime. It is well-known, that what occurs "before deployment" is not equivalent to "runtime", as suggested on page 10 of the Final Office Action. Runtime is when a program is actual running (see, e.g., <http://www.webopedia.com/TERM/r/runtime.html> and http://whatis.techtarget.com/definition/0,289893,sid9_gci212933,00.html, enclosed for the Examiner's convenience). Since Somashekar is concerned with activities that occur prior to deployment, as indicated in the Final Office Action, Somashekar is not concerned with runtime, as claimed by applicants.

Applicants respectfully submit that at most the combination of Thro and Somashekar (*assuming arguendo* the combination is proper) teaches that messages can be routed based on priorities; and that pluggable components can be configured. There is no teaching or suggestion in the combination that pluggable components can be used in routing instant messages, as claimed by applicants. To indicate that this is taught or suggested by the combination is hindsight reconstruction of applicants' claimed invention. For at least these reasons, applicants respectfully request an indication of allowability for independent claim 1 and all other pending claims.

Moreover, applicants respectfully submit that the combination of Thro and Somashekar is improper. For example, there is no teaching or suggestion in the references themselves to make the combination or modification suggested in the Office Action. It is well known that:

It is insufficient to establish obviousness that the separate elements of the invention existed in the prior art; absent some teaching or suggestion, in the prior art, to combine the elements. Arkie Loures Inc. v. Gene Lareau Tackle Inc., 43 USPQ 2d 1294, 1297 (Fed. Circ. 1997)

Applicants respectfully submit that there is no such teaching or suggestion in the references. Thro makes no mention of using pluggable components. Further, Somashekar makes no mention of using pluggable components in routing instant messages. Thus, neither reference teaches or suggests the modification.

Justification for the combination is stated in the Office Action, as follows:

Given the teachings of Somashekar, it would have been obvious to one of ordinary skill in the art to modify Thro by including a pluggable component (delivery manager) within system in order to configure the pluggable component (delivery manager) before deployment thereby allowing the pluggable component (delivery manager) to perform the specified instructions.

Again, applicants respectfully submit that the above justification does not indicate where the references expressly teach the combination. There is no teaching in the justification or in

Somashekar of using a pluggable component to route instant messages. Further, Thro makes no mention whatsoever of using a pluggable component in its environment.

Based on the foregoing, applicants respectfully submit that the combination of Thro and Somashekar is improper, and even if proper, the combination does not teach or suggest at least applicants' claimed element of defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message. Thus, applicants respectfully submit that the independent claims are patentable over the combination of Thro and Somashekar.

The dependent claims are patentable for the same reasons as the independent claims, as well as for their own additional features. Thus, applicants respectfully request an indication of allowability for all pending claims.

Should the Examiner wish to discuss this case with applicants' attorney, please contact applicants' attorney at the below listed number.

Respectfully submitted,

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